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July 7, 2023

VIA E-FILING

Honorable Hector Gonzalez, U.S.D.J.
United States District Court
for the Southern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Becky Pund, et al. v. St. Francis College, et al.**
Civil Action No. 1:23-cv-1498-HG

Dear Judge Gonzalez:

As the Court is aware, this office represents the Plaintiffs, Becky Pund and Charles Pund, in the above-referenced matter. I am in receipt of the Court's most recent Order, dated July 5, 2023, fully appreciate the Court's accommodation to allow for the filing of the Amended Complaint and Jury Demand by today, and with genuine respect and humility submit this letter to explain the circumstances that have led to the delay in this filing. Pursuant to the direction I received from Your Honor's Chambers this morning, I am submitting this letter without the detail related to one of my client's recent need for emergency medical attention, which I have explained briefly to counsel for the Defendants offline, and which I am hopeful can remain confidential at this point out of respect for his privacy.

I respect the Court's authority unconditionally, and I appreciate the attention to and courtesies that have been afforded to date. With each request for an extension in this past two weeks, I have been mindful of not asking for too much additional time with a hope that I would be able to communicate with my clients as needed and keep this matter on track to progress in accordance with the schedule the Court has outlined. I also respect counsel for the Defendants immensely, and we have enjoyed a productive and respectful dialogue throughout this matter, which I expect should continue.

As I have explained offline to counsel for the Defendants, I have wanted to ensure that the Amended Complaint that I drafted for filing has the input and approval from both of my clients. But it has been difficult to get that feedback. Over the past two weeks, I have reached out on multiple occasions, including two times on Monday, July 3, 2023. As that day unfolded, I was concerned with the fact that I had still not heard from my clients, and even as it approached midnight, I was torn between continuing to hold off to hear from my clients or filing the Amended Complaint to comply with the Court's Order. Right or wrong, I decided to hold off on the submission. And with recognition that the Courts and many offices were closed on Monday and Tuesday for the July 4 holiday, I planned to reach out to counsel for the Defendants and the Court on Wednesday, July 5 to explain the circumstances. Counsel for the Defendants actually reached out to me early Wednesday morning, and the Court followed with the issuance of its most recent Order. I responded to counsel for the Defendants by thanking them and explaining that I planned to comply with the Court's Order, that I would respond to their request for a settlement demand, and that we should coordinate a time to confer next week to prepare the joint discovery and case management plan for submission to the Court by July 17, 2023.

My communications have largely been with Charles Pund recently, who has explained to me that he has discussed things with this daughter, Becky, and we have included Becky directly on issues of substance and importance. Charles has some serious health issues, and communications have been more intermittent and limited recently as a result. Pursuant to the direction I received from Your Honor's Chambers this morning, I am not including the detail related to his recent need for emergency medical attention. Becky has had her own challenges as well in her continuing effort to balance work with her preparation for graduate school and caring for her father and younger siblings. I have been mindful and respectful of their challenges and shared with them the importance of hearing directly from each of them, especially as it relates to the specific allegations and areas of discovery in this matter, including their communications with the Defendants and with the other young women and families who have been affected by this situation, to ensure that anything that is communicated to counsel for the Defendants and submitted to the Court is accurate, complete, and has the approval of both of my clients. In fact, as I write this letter, I am looking both to confirm today's filing and to schedule a meeting with both Charles and Becky for next week, so that we can cover everything that is necessary to ensure my ability to confer with counsel for the Defendants and meet the July 17, 2023 deadline for submission of the discovery and case management plan to the Court.

With a sincere apology, and again, the utmost respect for the Court's authority, I respectfully and humbly submit that sanctions are not warranted in this situation. I look forward to working with counsel for the Defendants under the guidance and direction from the Court toward progress in and a resolution of this matter.

Thank you for the Court's continuing understanding, patience, and courtesies.

Respectfully submitted,

s / James P. Gianakis

James P. Gianakis

cc: Ryan Soebke, Esq. (via e-filing)
Ariel Ronneburger, Esq. (via e-filing)